

I'm a migrant worker being treated unfairly

It can be difficult to deal with unfair treatment when you're a migrant worker. Migrant workers and visa holders, including international students, have the same workplace rights as all other employees in Australia.

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How to discuss your workplace rights

Before you start – information you need


- Information about your [workplace entitlements \(www.fairwork.gov.au/employee-entitlements/default\)](http://www.fairwork.gov.au/employee-entitlements/default) .
- Translated information in our [Language help section \(www.fairwork.gov.au/language-help/default\)](http://www.fairwork.gov.au/language-help/default) .
- Your employer's business details, such as their ABN or registered address. This information can be found on a pay slip, employment contract or visa documentation.

Steps to take

1. Find out what the rules are

- We have [information and resources in over 30 languages \(www.fairwork.gov.au/language-help/default\)](http://www.fairwork.gov.au/language-help/default) (www.fairwork.gov.au/tools-and-resources/language-help/default) to help you understand your workplace rights and obligations when working in Australia.
- You can use our [Pay Calculator \(www.fairwork.gov.au/pay/pay-calculator\)](http://www.fairwork.gov.au/pay/pay-calculator) to work out your correct pay rate.

2. Speak to your employer if you feel comfortable

- Once you've worked out your pay talk to your employer to try to resolve the issue.
- Remember, an employer can't cancel your visa. Only the [Department of Home Affairs \(https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation\)](https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation)  can cancel a visa.
- There are protections in place for visa holders who haven't been able to comply with their visa conditions due to workplace exploitation. We have an arrangement with Home Affairs to support visa holders who come to us for help. Visa holders can seek help without fear of visa cancellation, even if they've breached their work-related visa conditions. This arrangement is called the Assurance Protocol. Read more on our [Visa holders and migrant workers \(www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants\)](http://www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants) page.

3. Contact us for help

- You can [contact us \(www.fairwork.gov.au/contact-us/default\)](http://www.fairwork.gov.au/contact-us/default) for help if you are worried about speaking to your employer.
- If you aren't comfortable speaking to us directly or want to notify us on behalf of someone else, you can lodge an [anonymous report in English \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/report-an-issue-anonymously/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/report-an-issue-anonymously/default) (www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/report-an-issue-anonymously/default) or [another language \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/default) .

If you need more support

You can [contact us \(www.fairwork.gov.au/contact-us/default\)](http://www.fairwork.gov.au/contact-us/default) for more information. We won't contact your employer unless you give us permission to do so.

If you would like to talk to us using a translator, call the Translating and Interpreting Service on 131 450. They will call us for you and interpret your question.


Other common workplace problems

- [My pay doesn't seem right \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-pay-doesnt-seem-right\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-pay-doesnt-seem-right)
- [I've been fired and I'm not sure what I'm entitled to \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/ive-been-fired-and-im-not-sure-what-im-entitled-to\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/ive-been-fired-and-im-not-sure-what-im-entitled-to)
- [Help with bullying in the workplace \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace)
- [I'm not getting pay slips \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips)
- [I could be in a sham contracting arrangement \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor)

Tools and resources

- [An employee's guide to resolving workplace issues \(DOCX 397.2KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx) (PDF 570.8KB) (www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx)
- [Language help \(www.fairwork.gov.au/language-help/default\)](http://www.fairwork.gov.au/language-help/default)
- [Report a workplace issue anonymously in your language \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language)
- [Find help for Visa holders and migrant workers \(www.fairwork.gov.au/find-help-for/visa-holders-and-migrants\)](http://www.fairwork.gov.au/find-help-for/visa-holders-and-migrants)
- [Record My Hours app \(www.fairwork.gov.au/tools-and-resources/record-my-hours-app\)](http://www.fairwork.gov.au/tools-and-resources/record-my-hours-app)

Related information

- [Ask for our help with a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/ask-for-our-help-with-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/ask-for-our-help-with-a-workplace-problem/default)
- [Department of Home Affairs \(https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation\)](https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation) 

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.